

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)

STERNS & WEINROTH

A Professional Corporation

Andrea Dobin (AD-7984)

Graig P. Corveleyn (GC-3393)

50 West State Street

Suite 1400

P.O. Box 1298

Trenton, New Jersey 08607-1298

(609) 392-2100

Counsel to Thomas J. Orr, Trustee

In Re:

DESIGNLINE CONSTRUCTION
SERVICES, INC.,

Debtor.



Case No.: 09-21745(KCF)

Judge: Ferguson

Chapter: 7

CONSENT ORDER

The relief set forth on the following pages two (2) through four (4) is hereby

ORDERED.

DATED: 4/15/2010



Honorable Kathryn C. Ferguson
United States Bankruptcy Judge

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Case Name: Designline Construction Services, Inc.

Case No: 09-21745(KCF)

Caption: Consent Order Vacating the Automatic Stay with Regard to Specific Estate Property

WHEREAS the Debtor, Designline Construction Services, Inc. (the “Debtor”) filed a voluntary petition pursuant to Chapter 11 of the Bankruptcy Code (11 U.S.C. § 101 et seq.) on May 7, 2009; and

WHEREAS, by order of the bankruptcy court dated September 28, 2009, the case was converted to one under Chapter 7 of the Bankruptcy Code; and

WHEREAS Thomas J. Orr was appointed as the chapter 7 trustee for the bankruptcy case and qualified and accepted said appointment; and

WHEREAS the Trustee’s investigation into the assets of the Debtor yielded a contract between the Debtor and Harvest Restaurant Group, LLC (“Harvest”) for the construction of a Tabor Road Italian Restaurant & Retain Space (the “Tabor Road Project”); and

WHEREAS the Trustee alleged that the Debtor was owed a specific amount on the contract for the work it provided for the Tabor Road Project during the pre-petition period and post-petition Chapter 11 case; and

WHEREAS Harvest alleged that certain subcontractors of the Debtor on the Tabor Road Project had valid and perfected construction liens against the property on which the Tabor Road Project was located; and

WHEREAS Harvest sought to discharge those liens through the payment of those subcontractors; and

WHEREAS the Trustee verified the extent and validity of the proposed liens against the property; and

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Case Name: Designline Construction Services, Inc.

Case No: 09-21745(KCF)

Caption: Consent Order Vacating the Automatic Stay with Regard to Specific Estate Property

WHEREAS the Trustee and Harvest have come to an agreement as to the terms of payment to the Debtor and the payment of those valid and properly perfected liens against the real property; and

NOW, THEREFORE, intending to be legally bound hereby, the parties hereto stipulate and agree as follows:

1. Harvest shall be authorized to pay, in full, all of those validly filed and perfected construction liens against the Tabor Road Project real property from the proceeds earmarked for the Debtor. Those construction liens shall include, and are limited to, the following:
 - a. B&B Incorporated of NJ, Inc. \$53,887.79
 - b. A+ Painting & Wall Covering \$23,000.00
 - c. Sibco Electric, Inc. \$71,311.00
 - d. B&B Property Maintenance \$53,380.00
2. Harvest shall provide an accounting to the Trustee of the liens paid and provide copies of the releases of any such liens within ten (10) days of their release.
3. Immediately following the payment of the liens as set forth in paragraphs one and two herein, Harvest shall pay to the Trustee the amount of \$35,617.01 under the contract between Harvest and the Debtor by check made payable to "Thomas J. Orr, Chapter 7 Trustee for Designline Construction Services, Inc."
4. The above described transfers shall have authority pursuant to 11 U.S.C. § 553 of the bankruptcy code.

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5. Interested parties shall have received notice of this settlement pursuant to Federal Rule of Bankruptcy Procedure 9019 and the clerk of the Court shall have issued a certificate of no objection to the settlement.
6. Upon receipt of the payment set forth in paragraph three (3) herein, the Trustee hereby releases the estate's right, title and interest in any and all claims or rights against Harvest and Harvest hereby releases and gives up any and all claims or rights, except those specifically identified herein, the against the Debtor, Debtor's bankruptcy estate, the Trustee and any of his agents or assigns. Harvest shall expressly maintain any warranty claim and additional potential claim against subcontractors of the Debtor on the Tabor Road Project.
7. Counsel represents and warrants that it has the authority to execute this Consent Order on behalf of his/her respective client and bind him/her/it to the terms hereof.

The undersigned consent to the form, substance and entry of the within order.

STERNS & WEINROTH, a Professional
Corporation, counsel to Thomas J. Orr, Chapter 7
Trustee for Designline Construction Services, Inc.

Dated: April 14, 2010

By: /s/ Graig P. Corveleyn
Graig P. Corveleyn

DURKIN & DURKIN, LLP, Counsel to Harvest
Restaurant Group, LLC

Dated: April 14, 2010

By: /s/ M. Murphy Durkin
M. Murphy Durkin

Image of Certificate of Service Page 5 of 5
CERTIFICATE OF NOTICE

District/off: 0312-3
Case: 09-21745

User: smather
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Apr 15, 2010

The following entities were noticed by first class mail on Apr 17, 2010.
db +Designline Construction Services, Inc., 442 Route 35 South, Building A, Third Floor,
Eatontown, NJ 07724-4254

The following entities were noticed by electronic transmission.
NONE.

TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 17, 2010

Signature:

